

misled the purchaser, the statement of pectin and fruit being very obscure and unnoticeable. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 4, 1925, Pick-Young & Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13678. Adulteration and misbranding of butter. U. S. v. Iola Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19231. I. S. Nos. 19456-v, 19468-v, 19469-v.)

On December 12, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Iola Creamery Co., a corporation, Iola, Kans., alleging shipment by said company, in violation of the food and drugs act, in three consignments, namely, on or about February 4 and 13, 1924, respectively, from the State of Kansas into the State of Oklahoma, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Shipping box) "From Iola Creamery Company Iola, Kansas," (carton) "Creamery Butter."

Examination by the Bureau of Chemistry of this department of 6 samples of the article from each consignment showed an average of 74.69 per cent, 77.14 per cent, and 77.77 per cent, respectively, of butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the statement "Creamery Butter," borne on the cartons containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was not butter but was a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13679. Adulteration and misbranding of powdered malt. U. S. v. 273 Cans of Powdered Malt. Default decree of condemnation and forfeiture entered. (F. & D. No. 18811. I. S. No. 18260-v. S. No. C-4427.)

On June 28, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 273 cans of powdered malt, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Mocha-Milk Products Co., Newark, N. J., on or about April 19, 1924, and transported from the State of New Jersey into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "From Mocha-Milk Products Co. Manufacturers Clarke's Bakers Powdered Malt 100% Pure Newark, N. J."

Adulteration of the article was alleged in the libel for the reason that a substance, a dry hygroscopic powder consisting essentially of sucrose and glucose with a small amount of malt, had been mixed and packed therewith so as to reduce or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further